

ENTERED

August 27, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RAMON TORRES,
(SPN #01496000)

Petitioner,

v.

SHERIFF ED GONZALEZ,

Respondent.

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CIVIL ACTION NO. H-18-1779

MEMORANDUM AND ORDER

Ramon Torres, a pretrial detainee at the Harris County Jail, has filed a handwritten petition for a writ of habeas corpus. The petition challenges Torres's current detention and is properly treated as a petition for a writ of habeas corpus under 28 U.S.C. § 2241. He is representing himself.

On July 11, 2018, the court sent Torres a notice of deficient pleading, which ordered Torres to pay the \$5.00 filing fee or submit a properly supported motion to proceed without prepaying the filing fee within 30 days. (Docket Entry No. 3). That order expressly warned Torres that his failure to comply as directed would result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

Torres has neither responded to the court's order nor otherwise complied. Torres's failure supports dismissal for want of prosecution. *See* FED. R. CIV. P. 41(b); *see also Slack v. McDaniel*, 529 U.S. 473, 489 (2000) ("[t]he failure to comply with an order of the court is grounds for dismissal with prejudice"); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may, on its own motion, dismiss an action for failure to prosecute or to comply with any court order). Torres

may seek relief from this order if he properly shows grounds, which at a minimum includes full compliance with the court's previous orders. *See* FED. R. CIV. P. 60(b).

This action is dismissed without prejudice for want of prosecution.

SIGNED on August 24, 2018, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge